



THE ATTORNEY GENERAL OF TEXAS

AUSTIN, TEXAS 78711

CRAWFORD C. MARTIN
ATTORNEY GENERAL

August 14, 1967

Honorable Robert S. Calvert
Comptroller of Public Accounts
Austin, Texas

Opinion No. M-118

Re: Travel expenses of
District Judges and
District Attorneys

Dear Mr. Calvert:

Your request for an opinion reads as follows:

"In view of the language in Senate Bill No. 78, Acts of the 60th Legislature amending Article 6820 R.C.S. regarding travel for District Judges and District Attorneys which reads, 'shall be allowed their traveling and other necessary expenses, as provided by the Travel Regulations Act of 1959,' the following question has arisen in my department; Do all of the provisions of Article 6823a R.C.S. (travel regulations act of 1959) and the riders in the general appropriations act apply to travel reimbursement for District Judges and District Attorneys beginning September 1, 1967 or does just the rate of allowance for reimbursement for travel by personally owned automobiles apply?"

Section 1 of Senate Bill 78, Acts of the 60th Legislature (hereinafter referred to as Senate Bill 78) amends Section 2 of Article 6823a, Vernon's Civil Statutes (the Travel Regulations Act of 1959) to read as follows:

"Section 2. The provisions of this Act shall apply to all officers, heads of state agencies, and state employees. Heads of state agencies shall mean elected state officials, excluding members of the Legislature who shall receive travel reimbursements as provided by the Constitution, appointed state officials, appointed state officials whose appointment is subject to Senate confirmation, directors of legislative interim committees or boards, heads of state hospitals and special schools, and heads of state institutions of higher education."

This amendment removes the following sentence from Section 2 of Article 6823a:

"The provisions of this Act shall not apply to judges and other judicial employees paid by the state, counties or other political subdivisions pursuant to law."

Section 2 of Senate Bill 78 amends Article 6820, Vernon's Civil Statutes to read as follows:

"Article 6820. JUDICIAL DISTRICT EXPENSES. All district judges and district attorneys when engaged in the discharge of their official duties in any county in this state other than the county of their residence, shall be allowed their traveling and other necessary expenses, as provided by the Travel Regulations Act of 1959, while actually engaged in the discharge of such duties. Such officers shall also receive the actual and necessary postage, telegraph and telephone expenses incurred by them in the actual discharge of their duties. Such expenses shall be paid by the state upon the sworn and itemized account of each district judge or attorney entitled thereto, showing such expenses." (Emphasis added.)

This amendment changes Article 6820 by removing specific limitations on the amount of expenses and by adding the above emphasized phrase.

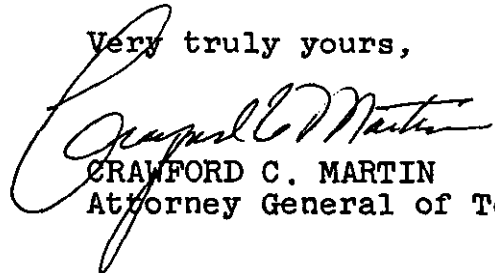
Senate Bill 78 amends Section 2 of Article 6823a, which provides for the application of the act, and incorporates all of the Travel Regulations Act of 1959 into Article 6820. Clearly, the Legislature intended for all of the provisions of Article 6823a to apply to the "traveling and other necessary expenses" of District Judges and District Attorneys when it passed Senate Bill 78.

Therefore, you are advised that it is the opinion of this Department that Senate Bill 78, amending Article 6820 and Article 6823a, makes all the provisions of Article 6823a (the Travel Regulations Act of 1959) and the appropriate riders in the general appropriations act (Senate Bill 15, Acts of the 60th Legislature) applicable to travel reimbursement for District Judges and District Attorneys beginning September 1, 1967.

S U M M A R Y

Senate Bill 78, Acts of the 60th Legislature, amending Article 6820 and Article 6823a, V.C.S., makes all the provisions of Article 6823a (the Travel Regulations Act of 1959) and the appropriate riders in the general appropriations act (Senate Bill 15, Acts of the 60th Legislature) applicable to travel reimbursement for District Judges and District Attorneys beginning September 1, 1967.

Very truly yours,


CRAWFORD C. MARTIN
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Prepared by M. Paul Martin
Assistant Attorney General

APPROVED:
OPINION COMMITTEE

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